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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,457	10/16/2000	Guy Gecht	MGI-176	1635
7590	02/12/2004			EXAMINER VU, VIET DUY
Barry R Lipsitz Law Offices of Barry R Lipsitz 755 Main Street Building 8 Monroe, CT 06468			ART UNIT 2154	PAPER NUMBER 14
			DATE MAILED: 02/12/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/688,457	GECHT ET AL.
Examiner	Art Unit	
Viet Vu	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 September 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-108 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-108 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6-13.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

1. The current title is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### Art Rejections:

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4, 10, 15, 21, 26-29, 37-38, 47-53, 55-58, 64, 69, 75, 80-83, 91-92 and 101-107 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Yellepeddy, U.S. pat. No. 6,288,790.

Yellepeddy discloses a system and method for providing printing services for mobile users comprising:

- a) providing a user interface for enabling user to transmitting via a network and storing one or more print jobs at a spooling server (see col 5, lines 10-15 and col -29 and col 6, lines 31-44),
- b) providing a printer polling application for periodically polling the spooling server and user's printer to identify a print job associated with a user's printer (see col 8, lines 31-52),
- c) transmitting the identified print job via a network to a user's printer for printing (see col 8, lines 53-65).

Per claims 37-38, 49-50, 91-92 and 103-104, Yellepeddy also discloses polling the user's printer to determine status of the user's printer (see col 7, lines 59-62).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 5-9, 11-14, 16-20, 22-25, 30-36, 42-46, 54, 59-63, 65-68, 70-74, 76-79, 84-90, 96-100 and 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adamske, U.S. pat. No. 6,615,234 and further in view of Yellepeddy.

Adamske discloses a web-based printing service comprising:

- a) providing a web server for enabling user to submit print jobs using a web browser (see col 5, lines 3-28),
- b) providing a spooling server for storing and distributing print jobs to user's designated printers (see col 7, lines 28-43),
- c) providing an account database for administrating a fee-based service (see col 6, line 58 - col 7, line 15).

Adamske does not explicitly teach the specific steps of polling the spooling server for distributing the print jobs to designated printer. Such print job distribution is disclosed by Yellepeddy (see Yellepeddy's col 8, lines 31-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Yellepeddy's teachings in Adamske because it would have enabled the spooling server to spool a printable document to any user's designated printer including user's printer at any scheduled time (see Adamske's col 4, lines 9-11).

Per claims 5-9 and 59-63, the use of a firewall to protect a local network from the outside network (Internet) is well known in the art.

Per claims 11-14, 30-34, 65-68 and 84-88, it would have been obvious to one skilled in the art to apply any fee types for determining the printing service charges. It would have been further obvious to one skilled in the art to impose one or more limits in using the stored printable documents including storage lifetime, number of prints, number of recipients, etc.

Per claims 16 and 70, Adamske also teaches securely transmitting the print job across the network (see col 8, lines 24-45).

Per claims 17-20, 35-36, 42-46, 54, 71-74, 89-90, 96-100 and 108, it would have been further obvious to one skilled in the art to utilize Adamske's invention for delivering any types of printable documents over any known types of networks.

Per claims 22-25 and 76-79, Adamske teaches assigning a personal ID for use to access the printable documents (see col 8, lines 46-67).

7. Claims 39-41 and 93-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yellepeddy and further in view of Manchala et al, U.S. pat. No. 6,405,178.

Yellepeddy's teachings are still applied as discussed in item 3 above. Yellepeddy does not teach monitoring printer consumable supplies. Manchala discloses a prior art system capable of notifying an operator or automatically ordering supplies in response to monitored printer statuses (see col 1, lines 5-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yellepeddy with Manchala's teachings because it would have enabled operating a group of network printers more effectively (see col 1, lines 10-16).

**Conclusion:**

8. The references cited by the examiner on PTO-892 but not relied upon are considered pertinent to applicant's disclosure.

Art Unit: 2154

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 703-305-9597. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on (703) 305-8498.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-305-9600. The Group fax number is 703-872-9306.



VIET D. VU  
PRIMARY EXAMINER

Art Unit 2154  
2/5/04